

07/31/2020

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *H. Wheeler*  
DEPUTY CLERK

DEANDRE HARRIS,

*Plaintiff,*

v.

JASON KESSLER, *et al.*,

*Defendants.*

CASE NO. 3:19-cv-00046

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court further to its Show Cause Order entered on June 30, 2020. Dkt. 81. After Plaintiff's counsel failed to timely respond to several motions to dismiss, the Court ordered Plaintiff's counsel to show cause why this action should not be dismissed for failure to prosecute, and to file its response to the outstanding motions to dismiss by July 7, 2020. As directed, Plaintiff's local counsel responded to the Show Cause Order, Dkt. 83, and responded to the outstanding motions to dismiss, Dkt. 82.

In the response to the Show Cause Order, counsel states that "[l]ocal counsel was asked to enter its appearance by Attorney Lee Merritt, who is counsel intending to appear pro hac vice. The application to appear pro hac vice for Mr. Merritt is forthcoming as the certificate of good standing is being requested." Dkt. 83 at 1. The response also refers to difficulty in obtaining the certificate of good standing. *Id.* at 4. However, the response does not indicate *when* Mr. Merritt's motion to appear pro hac vice will be filed, nor does it explain the difficulty in obtaining the certificate. Indeed, several weeks have passed and still no pro hac vice motion has been filed. This case was filed almost a year ago, Mr. Merritt has had ample time to move to appear pro hac vice, or Plaintiff can proceed with other counsel.

The Court **DIRECTS** that any motion to appear pro hac vice on behalf of Mr. Merritt shall be filed by **August 7, 2020**, if he intends to enter an appearance on behalf of Plaintiff. If such a motion is not filed, Plaintiff's local counsel is **DIRECTED** to file a notice by **August 7, 2020**, indicating whether Plaintiff is prepared to proceed without Mr. Merritt's appearance on his behalf. Upon the filing of Mr. Merritt's pro hac vice motion, or if Plaintiff is prepared to proceed in his absence, the Court will withdraw its Show Cause Order.

**The Court advises Plaintiff's counsel that failure to comply with this Order may result in dismissal of this action or other sanctions.**

The Clerk of Court is directed to send this Order to the parties.

Entered this 31<sup>st</sup> day of July, 2020.

  
NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE